

REMARKS

Claims 95-135 are pending in this application. Applicants have canceled claims 84-94 without prejudice or disclaimer. Claims 95-135 are new. The new claims are supported by the application as filed, e.g., Examples 34-37 at pages 98-99. No new matter has been added.

Applicants submit that the new claims read on the invention and species previously elected in response to the Restriction Requirement.

Compliance with Sequences Rules

The Office at page 3 of the Office Action states that sequence identifiers are required in the specification. The amendments to the specification presented herein add sequence identifiers.

A sequence listing is also being submitted herewith. A statement that the content of the paper and computer-readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821 (c) and (e), respectively, are the same and does not include new matter is also being filed with this response.

Applicants respectfully submit that the amendments and sequence listing are in compliance with the sequence rules and no new matter has been added.

Objections to the Specification

The Office at page 4 objects to the Abstract of the application. In the interest of expediting prosecution, Applicants submit herewith a replacement Abstract. Withdrawal of this objection is respectfully requested.

Claim Objections

The Office at pages 3-4 raises objections to claim 91 and 94. Applicants have canceled these claims in the amendments presented herein and submit that the objections have been obviated.

35 U.S.C. § 112, Second Paragraph

The Office at pages 4-5 rejects claims 86-94 as allegedly being indefinite. As indicated herein, these claims have been canceled without prejudice or disclaimer, thereby obviating the rejection. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 112, First Paragraph: Written Description

The Office at pages 5-8 raises a written description rejection to claims 84, 85, 91, and 94.

In the interest of expediting prosecution, Applicants have canceled these claims, thereby obviating this rejection.

Applicants submit that new claims 95-135 satisfy the written description requirements as the crystals and methods recited therein are clearly described in the application as filed, see, e.g., Examples 34-37 at pages 98-99, such that possession of the claimed subject matter is clear.

35 U.S.C. § 112, First Paragraph: Enablement

The Office rejects claims 84-94 as allegedly lacking enablement (Office Action at pages 8-19).

In the interest of expediting prosecution, Applicants have canceled these claims, thereby obviating this rejection.

Applicants submit that new claims 95-135 satisfy the enablement requirement, as the application clearly describes how to practice the claimed subject matter without undue experimentation, see, e.g., pages 60-75 and Examples 34-37 at pages 98-99. Indeed, the Office at pages 8, 10, and 15 suggests that such subject matter is in fact enabled.

35 U.S.C. § 102/103

The Office alleges that claim 85 is anticipated, or in the alternative rendered obvious by, Ely et al. (Biochemistry 17:820-823 (1978)), as evidenced by Chayen et al. (Current Op. Structural Biol. 14:577-583 (2004)).

Solely to expedite prosecution, claim 85 has been canceled, obviating this rejection. Withdrawal of the rejection is respectfully requested.

Double Patenting

At pages 21-22, the Office provisionally rejects claims 84, 85, 91, and 94 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-15, 20, 27, 31, 33-35, and 41 of co-pending application no. 10/741,861.

Claims 84, 85, 91, and 94 are no longer pending in this application, thereby obviating this rejection. Withdrawal of the same is respectfully requested.

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance in light of the amendments and arguments presented herein. Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do Applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. Please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,

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